

TESTIMONY CLOSED

Arguments in the Hamilton Case Will Begin Today.

THE CROSS EXAMINATION OF THE DEFENDANT OCCUPIED MOST OF YESTERDAY.

Some Discrepancies Were Brought Out, But on the Whole She Stood the Ordeal Well—Rebutting Testimony Offered by the Prosecution—Case Will Probably Reach the Jury on Saturday.

The taking of testimony in the Hamilton murder case closed at 3:30 o'clock yesterday afternoon. The arguments to the jury will begin this morning, and in all probability will run over until tomorrow, so that the case will likely reach the jury tomorrow afternoon.

The cross-examination of Mrs. Hamilton was concluded shortly after 2 p. m. yesterday. Some discrepancies were shown, but on the whole she stood the ordeal well. The prosecution then examined a number of witnesses in rebuttal, which closed the testimony.

MRS. HAMILTON CROSS-EXAMINED.

Mrs. Hamilton's cross-examination was resumed yesterday morning by Mr. Van Cott.

"During the early part of 1897, was your husband home all the time?" asked counsel.

"Yes,"

"Was he home all of 1897?"

"Yes,"

"If the pistol was in your hand when the fatal shot was fired, was it during the summer?"

"I can't say,"

"If you did kill your husband, I say if you did, it was done during the summer?"

"Yes, but I didn't,"

"If you did kill him it was to protect your own life?"

"No,"

"Anything he may have said or done before that night had no bearing on the shooting?"

"No,"

"You said that on March 5 you told your husband you would be true to him if he forgave you?"

"Yes,"

"You said the same thing when you were married?"

"Yes,"

"When you threatened suicide, did your husband discourage you from it?"

"Yes,"

"Did you threaten to commit suicide on the fatal night?"

"Yes,"

"On March 4 did you threaten suicide?"

"No,"

"On March 5 did you threaten suicide?"

"Yes,"

"John prevented you from doing it?"

"Yes,"

"By acts or words?"

"Both; he talked to me and took the gun from me,"

"You saw you on March 5 at your mother's?"

"Yes,"

"Did he talk to you or to you to him about suicide then?"

"No,"

"Between March 5 and April 19 did he discourage you regarding suicide?"

"Yes; he told me it would be foolish and would only make matters worse,"

"Then all of a sudden, on the lawn on the night of April 19 he tried to kill you?"

"Yes, sir,"

"When was it, on the Monday, April 19, you made up your mind you would end the trouble?"

"After I came from Kelly's,"

"Then why didn't you end the trouble on Monday morning, after you got the cartridges?"

"I wanted to see my mother first,"

"Did you go to your mother's that day?"

"No,"

"Did anything happen during the day to make you feel worse than you did in the morning?"

"No,"

"You took the gun along about evening and went to the back yard contemplating suicide?"

"Yes,"

"Had you seen your mother in the meantime?"

"No,"

"Had you made up your mind after your sister brought you in from the yard not to end your trouble?"

"No,"

"You lost consciousness after you sat down on the steps on the lawn just before the shooting?"

"Yes,"

"Do you know if you had the gun in your hand when the first shot was fired?"

"I don't know,"

"What was the first thing you were conscious of after you sat down on the steps?"

"John taking hold of me and pushing me,"

"Where did you go to when he pushed you?"

"Down the lawn,"

"How far down?"

"I can't say,"

"And he walked towards you?"

"Yes,"

"He raised the gun and pointed it at me?"

"Yes,"

"Was that the first you saw of the gun after you came out of the house?"

"Yes,"

"You remember previously to that you had received a blow on the lip?"

"Yes, with the gun,"

"Did you see the gun?"

"No, but I could tell by the feel of it,"

"The blow sent me back towards the alley fence?"

"Yes,"

"Were you conscious then?"

"Yes,"

"Had there been any shooting up to that time?"

"No,"

"What's the next thing you remember after being knocked towards the fence?"

"He fired the first shot,"

"How close were you together when he shot?"

"A few steps apart,"

"Then you took hold of him?"

"Yes,"

"Were you conscious then?"

"Yes,"

"I don't remember anything after I took hold of him until I reached the steps and Seddon was there and asked me if I had shot,"

"I remember nothing being said in the interval,"

"No,"

"John might have said 'Oh, Lou, if that is all the love you have for me, shoot away' without your hearing it?"

"I didn't hear him say it,"

"You don't remember anything that occurred in the interval after the second shot and the time you went back to the house?"

"I remember Mr. Hamilton falling,"

"Were you entirely unconscious after the first shot?"

"I knew what I was doing,"

"Where were you with relation to John when the second shot was fired?"

"Close together. He had his left arm around me, the pistol in his right and I caught the barrel of the weapon in my right hand and my left hand was holding his right wrist,"

The witness illustrated with Mr. Van



Cott the position of herself and Hamilton during the shooting.

"How many shots were fired when you were in that position?"

"I don't remember."

"Do you remember after which shot he dropped?"

"No, I don't."

"Do you know who had the gun then?"

"Yes."

"Was anything said after the second shot?"

"I don't remember."

STANDING BY HIM WHEN HE FELL.

"Were you standing by him when he fell?"

"Yes."

"Have you any distinct recollection of the second, third, fourth and fifth shots?"

"No."

"Did you have the gun in your hand when you got to the steps after the shooting?"

"No."

"Was he home all of 1897?"

"Yes."

"If the pistol was in your hand when the fatal shot was fired, was it during the summer?"

"I can't say."

"If you did kill your husband, I say if you did, it was done during the summer?"

"Yes, but I didn't."

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"By acts or words?"

"Both; he talked to me and took the gun from me."

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"Yes."

"Did he talk to you or to you to him about suicide then?"

"No."

"Between March 5 and April 19 did he discourage you regarding suicide?"

"Yes; he told me it would be foolish and would only make matters worse."

"Then all of a sudden, on the lawn on the night of April 19 he tried to kill you?"

"Yes, sir."

"When was it, on the Monday, April 19, you made up your mind you would end the trouble?"

"After I came from Kelly's."

"Then why didn't you end the trouble on Monday morning, after you got the cartridges?"

"I wanted to see my mother first."

"Did you go to your mother's that day?"

"No."

"Did anything happen during the day to make you feel worse than you did in the morning?"

"No."

"You took the gun along about evening and went to the back yard contemplating suicide?"

"Yes."

"Had you seen your mother in the meantime?"

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"Had there been any shooting up to that time?"

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"I remember Mr. Hamilton falling."

"Were you entirely unconscious after the first shot?"

"I knew what I was doing."

"Where were you with relation to John when the second shot was fired?"

"Close together. He had his left arm around me, the pistol in his right and I caught the barrel of the weapon in my right hand and my left hand was holding his right wrist."

The witness illustrated with Mr. Van

"Did you say at the corner's request that you did not buy any cartridges on April 19?"

Judge Powers objected to the question on the ground that it was improper to ask the witness to repeat the testimony of the previous ruling of the court, excluding Mrs. Hamilton's testimony before the coroner.

The point was argued at some length by counsel on both sides. Mr. Van Cott contending that the object was to test the credibility of the witness, Judge Norrell ruled that it was incompetent and sustained the objection.

AFTERNOON SESSION.

Court here took a recess till 2 p. m. for luncheon, and on reassembling Mr. Van Cott asked Mrs. Hamilton a few more questions in cross-examination.

"When you were talking with Mr. Fowler, the clerk who told you the cartridges, did you show him the way to load your gun?"

"Did you have a talk with Mrs. Calder on March 5 at your house?"

"No, not that I remember."

"Did you ask her to take a note to Mr. Payver?"

"No."

"Didn't you tell her that the trouble between you and John arose through John seeing you wear the stockings that Payver had given you as a present?"

"No."

"When you told John that you had not been untrue to him, was that true?"

"No, it was not."

"When you told Seddon that you had not got any cartridges because they wouldn't sell them to a woman, was that true?"

"No."

REDIRECT EXAMINATION.

This closed the cross-examination of Mrs. Hamilton and the direct examination by Judge Powers the witness said she had no very clear idea of what occurred in the suicide and the illustration given by her with Mr. Van Cott as to how she and her husband argued with each other was in accordance to her best recollection, but might not be correct in all the details.

Witness had no recollection of the alleged conversation with Mrs. Calder, the witness said she had no recollection of it whatever.

You told Mr. Van Cott that you did not recollect whether, after the first shot was fired the pistol was in your hand or your husband's?

"I must have misunderstood his question, the pistol was in his hand."

By Mr. Van Cott:

"I understood you to say that although you were excited during the suicide you had your senses sufficiently to know what was happening?"

"Yes."

"That's all," said Mr. Van Cott.

"That's all," said Judge Powers, and Hamilton left the stand and resumed her seat beside her sister Florence.

Judge Powers then offered in evidence the testimony of C. L. Rooks, taken before the coroner. It was objected to by the defense, but the court overruled the objection.

Judge Powers then read the testimony given by Thomas P. Seddon and Mrs. Seddon before the coroner.

Henry Denhamer was called by Judge Powers, who was found he had been excused and was not present.

DEFENDANT RESTS.

The defendant's case was then rested and in rebuttal the prosecution called D. G. Calder, who, in reply to Mr. Van Cott, said he lived next door to John H. Hamilton's house and had been acquainted with him for two years before he was killed.

"Where was John Hamilton on the Thursday evening before the killing?"

"I saw him at his residence a few minutes before 9 p. m. on the day and talked with him for 15 minutes."

"I saw him last on that evening about 9 o'clock."

The object of this testimony was to show that Mrs. Hamilton's statement that her husband had been to see her at Seddon's that evening.

"Did you ever see Mrs. Hamilton engage in target practice in the back yard of the Hamilton residence?"

"I never saw her myself."

"Did you have any conversation with Hamilton about his wife shooting?"

"Yes. He told me in the presence of Mrs. Hamilton that she was a better shot than he was, and that a strange thing was that when she fired off a pistol she never stopped until the whole fire or six chambers were discharged."

Mrs. Calder, wife of the previous witness, said she had seen Mrs. Hamilton shooting at a board in her back yard on July 4. She shot once. Witness said John H. Hamilton then came out about 5 o'clock on the Thursday evening before he was killed.

Miss Mary Hamilton testified that on Thursday evening before the shooting John came out of the house and stayed there all the evening.

D. S. Spencer testified that the Union Pacific City ticket office was, on April 19, located at 201 Main street. The ticket office was closed at 10 o'clock and open half an hour before the departure of trains only.

This testimony was to show the improbability of some statements made by Mrs. Hamilton, who testified that she was in the ticket office at 10 o'clock on the fatal night.

H. L. Fowler said on the night of the shooting there was an electric light at the intersection of First South and Second West streets. Witness was opposite the Seddon residence when the first shot was fired, but he did not see Mrs. Hamilton or any other woman cross the street at that time. If any woman had crossed he would probably have seen her.

Cross-examined by Judge Powers, the witness said she was talking to Mr. Fowler at the time and was not paying much attention to what was going on around her.

James T. Lovett heard the shooting, went immediately towards the residence, but saw no woman crossing the street. If a woman had crossed witness would have seen her.

John H. Ramsey on that night, as he approached the Seddon residence, met nobody on the sidewalk.

TESTIMONY CLOSED.

This closed the testimony and the arguments to the jury will open this morning at 10 o'clock. Assistant County Attorney Farnham will open for the state. He will be followed by Attorney Fred T. McGurran and Judge Powers for the defendant, and County Attorney Van Cott for the state will close the case.

There is no limit to the length of time the arguments will occupy, but it is expected the case will reach the jury some time on Saturday.

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RHEUMATISM

VANDENBERGE DAMAGE SUIT

CLAIMS \$500 DAMAGES FOR ALLEGED MALICIOUS ARREST.

Fireman Brought Losses His Case Against the City—Writ of Prohibition Against Justice Stewart—Juror Fugate Gets Off With a Lecture—Court Notes.

The trial suit brought by Mrs. Lillian Vandenberg against the Merchants' Protective Association, Eli L. Price and J. H. Connelley, opened in Judge Cherry's court yesterday afternoon. Messrs. Straus & Leonard appeared for the plaintiff and Mr. A. L. Harpach for the defendants.

Mrs. Vandenberg sued to recover \$500 damages for wrongful and malicious arrest.

It appeared from the complaint that the defendant had obtained a judgment in a justice's court against the plaintiff's husband and that on May 19, 1894, the same was satisfied. On that date Mrs. Vandenberg and her child were about to make a trip east to visit friends and when on their way to the depot they were arrested at the instance of the defendants on the ground that she was leaving for the purpose of defrauding them as creditors on the judgment.

She was detained all that night and the next day, and on an investigation was released. Soon after that the suit was instituted.

The jury was empaneled last evening and the taking of testimony will begin today.

Writ of Prohibition.

A petition for a writ of prohibition against Justice Stewart to prevent him from issuing execution on a judgment rendered by him yesterday filed in the district court.

Theresa Warner and others are the petitioners and they alleged that Justice Stewart rendered judgment in favor of R. K. Black & Co. and against them for the same amount. They also alleged that the justice had no jurisdiction to try the case because it was a cause in chancery, and that the justice threatened to issue execution on the judgment and will do so unless restrained.

A temporary restraining order pending the decision of the court was issued and Nov. 4 set as time for the hearing.

Juror Fugate Gets Off Easy.

Juror W. S. Fugate, who ran away on Wednesday when the jury was called, was a member was willing to consider a case, which had just been submitted to them, came before Judge Cherry yesterday morning to answer for contempt.

John J. Fugate, who had gone to take a look at the face of a nephew who was to be buried that afternoon, his father's case, but under the circumstances did not impose any punishment, but merely told him not to